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Notice of Allowability

Application No.

10/656,548

Examiner

Jason Prone

Applicant(s)

SWARTZ, RONALD

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 09 November 2005.
2. ☒ The allowed claim(s) is/are 3-5, 7 and 9-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tony Uhm on 14 December 2005 and 19 December 2005.

The application has been amended as follows:

- The abstract has been replaced with the following:
--A device for use in the manual sharpening of arrow broadheads, razor blades and the like includes a unique symmetrical clamp and axle assembly having interchangeable, matched pairs of special purpose jaw members for gripping blades of differing configurations. When coupled to the frame, the clamp and axle assembly is freely rotatable, and this free rotation automatically aligns the length of the edge of the blade with the surface of a whetstone. Additionally these rotational and self-aligning capability enable the user to service both sides of the blade's edge with a single blade clamping operation, by manually rotating the clamp 180 degrees between passes along the surface of the whetstone.--
- On page 8 line 13 of the specification, the phrase "gripping jaws 13, 14 (figs. 5 and 6) installed" has been replaced with --gripping jaws 1, 2 installed--.

- On page 9 line 24 of the specification, the phrase "two screws 12a (shown) 12b (not shown)." has been replaced with --two screws 12a. --.
- On page 11 line 4 of the specification, the phrase "figs. 7 thru 12" has been replaced with --figs. 7-12--.
- On page 11 line 20 of the specification, the term "9d" has been replaced with -- 9c--.
- On page 11 line 23 of the specification, the phrase "An axel 10a (shown), 10b (not shown) extends" has been replaced with -- An axel 10a extends --.
- On page 11 line 27 of the specification, the phrase "An axel 10a, 10b of the roller" has been replaced with -- An axel 10a of the roller --.
- On page 11 line 29 of the specification, the phrase "mounting screw 12a, 12b, (not shown) which attached" has been replaced with -- mounting screw 12a which attached --.

Allowable Subject Matter

2. Claims 3-5, 7, and 9-13 are allowed.
3. The following is an examiner's statement of reasons for allowance: Claims 3-5, 7, and 9-13 are allowable because of the apparatus with an axel, a clamp with a pair of jaw member, a base having a hole through which the axel retains the jaw members, a means for imparting reciprocal movement to the axel whereby each jaw member pivots towards and away from the opposite jaw member, and a frame coupled to the clamp-axel assembly to enable free rotational movement of the clamp-axel assembly through an angle of at least 180° as set forth in the claims. In regards to Scott, discloses an

Art Unit: 3724

apparatus where the jaws are pivotally movable relative to the frame (11), however, the jaws are not freely movable and can not move the claimed 180° and Scott fails to disclose an axel for retaining the jaws. In the case of Williams, the apparatus fails to disclose a means for imparting reciprocal movement to the axel whereby each jaw member pivots towards and away from the opposite jaw member. The specification, of the instant application, is very clear that the clamp and axel assembly is freely rotatable. Meaning the clamp and axel assembly can rotate 360° as clearly shown by the "rotation" arrows located on item "3C" of Figures 7, 11, and 12. Figures 11 and 12 clearly show the clamp and axel assembly rotating. The specification is very clear that the user will sharpen one side of the blade than rotate the clamp and axel assembly to sharpen the other side of the blade. When the user rotates the blade to sharpen the other side of the blade, the minimum angle of rotation must be at least 180°. Therefore, the term "at least 180°" is supported by the specification and does not constitute new matter. None of the prior art cited discloses an apparatus that incorporates the use of an axel, a clamp with a pair of jaw member, a base having a hole through which the axel retains the jaw members, a means for imparting reciprocal movement to the axel whereby each jaw member pivots towards and away from the opposite jaw member, and a frame coupled to the clamp-axel assembly to enable free rotational movement of the clamp-axel assembly to allow the user to sharpen one side of a blade and then rotate the blade to sharpen the other side rather than rotate the entire apparatus. Therefore, in view of what has been stated above, the claims are allowable over the art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
December 14, 2005


Allan N. Shoap
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